

Re: Response to Office Action Mailed August 2, 2004
Serial No.: 10/648,174
Filing Date: August 26, 2003

II. REMARKS

Claims 1-30 were pending in the application. By the foregoing amendments, Applicant cancelled Claims 17-23 without prejudice; and added new Claims 31-47 to further define, clarify and/or broaden the claimed invention, and/or expedite receiving a Notice of Allowance. Therefore, Claims 1-16 and 24-47 are currently pending in the application. Pursuant to 37 C.F.R. § 1.121, no new matter is introduced by these amendments or new claims.

Response to Restriction Requirement

The Office Action stated that restriction to one of the following inventions is required under 35 U.S.C. § 121:

Invention I – Claims 1-16, 24-30 are drawn to basketball goals, classified in class 473, subclass 481.

Invention II – Claims 17-23 are drawn to transport assemblies, classified in class 280, subclass 46.

The Office Action stated that the inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a transport assembly for a two wheeled semi-portable luggage cart. See MPEP § 806.05(d).

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In response, Applicant elects, without traverse, to proceed with the examination directed towards Invention I, Claims 1-16 and 24-30. Accordingly, Applicant cancelled Claims 17-23 without prejudice in order to expedite prosecution of the application. Applicants, however, expressly reserve the right to file one or more divisional or related applications directed towards these claims.

In addition, Applicants added new Claims 31-47, which are directed towards the elected Invention I, in order to further define, clarify and/or broaden the claimed invention. Accordingly, Applicants request that examination on the merits should proceed in connection with Claims 1-16 and 24-47.

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CONCLUSION

Applicant believes that the foregoing provisional election fully responds to the Office Action mailed August 2, 2004. If, however, the Examiner believes that any additional issues remain or require clarification, the Examiner is cordially invited to contact the undersigned by telephone so that these remaining issues may be promptly resolved.

DATED this 2 day of September, 2004.

Respectfully submitted,



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